

Mountain Counties Water Resources Association

Delta Vision Blue Ribbon Task Force

January 31, 2008

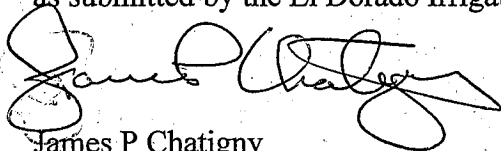
Re: Support of Bay-Delta Position Statement

On behalf of the members of Mountain Counties Water Resources Association the Board of Directors who represent six (6) counties and seventeen (17) water agencies throughout the Sierra Nevada foothill hydrologic region respectfully adds it's support and concurrence to the Bay-Delta Position Statement, regarding the Proposed Bay-Delta Conservation Plan and Delta Conveyance Proposals as adopted by the El Dorado Irrigation District Board of Directors on December 10, 2007.

The Mountain Counties hydrologic region covers all or portions of thirteen (13) counties on the east side of the Sacramento and San Joaquin Valleys, from Plumas in the north to Mariposa county in the south and as many as seventeen (17) water agencies who are charged with maintaining and protecting current water supplies as well as being prepared to develop additional supplies as population continues to grow within these important and valuable contributors to the overall health and prosperity of the of the State of California.

This hydrologic region has been the source of origin of a substantial portion of the water that has historically been appropriated by other water purveyors for use outside the counties of origin. Over the decades available supplies direly needed within the County of Origin's had been slowly eroded to meet the demands of "down-stream" interests, thereby hampering the ability to provide adequately for future growth should additional supplies not be available to meet present or future needs.

It is with the above comments in mind that the Board of Directors of Mountain Counties Water Resources Association and the many Executive and General members of the Association does hereby support the Bay-Delta Position Statement as submitted by the El Dorado Irrigation District.



James P Chatigny
Executive Director

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**Bay-Delta Position Statement
Regarding the Proposed Bay-Delta Conservation Plan
and Delta Conveyance Proposals**

Adopted by the EID Board of Directors, December 10, 2007

Recitals

WHEREAS, El Dorado County is a rich mosaic of small-scale agriculture, fast-growing suburban communities, rural communities, cities, and public and private open space encompassing a broad range of elevations, habitat, and ecosystems within the Sierra Nevada range. This natural and working landscape in the South Fork American and the Cosumnes river basins on the west slope of the Sierra Nevada includes:

- A mining legacy and infrastructure that was developed for mining operations, power generation, and agriculture, and then later adopted for public water supply and power generation;
- Several thousand acres of family orchards, vineyards, ranches, and farms that provide significant economic benefits for the County, a working landscape and open pastoral setting that provides valuable habitat for wildlife;
- Small towns and rural communities that form the institutional, historic and cultural identity of the region;
- Important habitat for numerous threatened, endangered and endemic species in California, including both aquatic and terrestrial animal species as well as plant species;
- Recreational opportunities of local, regional, statewide, and national significance, that provide significant economic benefits to the County;
- Forests and meadows in the numerous watersheds of the Sierra Nevada including National Forest lands and lands administered by the Bureau of Land Management;

WHEREAS, under natural conditions, water originating in El Dorado County flows west through the Sacramento-San Joaquin River Delta and San Francisco bay (hereinafter "Bay-Delta") and then to the Pacific Ocean. Since the late 1800s, leaders in El Dorado

County have secured a variety of water rights and other entitlements to water and have invested significant public and private capital so that water supplies can either be directly diverted or stored to meet the various El Dorado County needs. Further, these leaders have detrimentally relied upon the entitlement to a legal priority to further, future water supplies sufficient for their growth and development under California's area-of-origin laws. These water rights, entitlements and supplies help support the socio-economic foundation upon which El Dorado County is based and also is essential to meeting the environmental goals and objectives consistent with the values of the County, region, state, and nation;

WHEREAS, to provide water supplies and improve water quality for all of these diverse purposes, El Dorado County public agencies have developed a highly efficient system of water supply and delivery infrastructure and they continue to refine their projects and programs through integrated planning, portfolio management, multiple benefit strategies, flexibility and adaptation, new technologies, and collaboration. El Dorado County public agencies have partnered with numerous regional stakeholders to develop an Integrated Regional Water Management Plan known as the Cosumnes, American, Bear and Yuba (CABY) Plan to refine and facilitate even better cooperation among themselves and to address water supply, water quality, flooding and habitat in the Sierra Nevada.

WHEREAS, El Dorado Irrigation District (EID) has been a strong and constructive participant in efforts to address water supply, water quality and environmental problems in the Bay-Delta . Through the participation of the CALFED Watershed program, Water Quality program and Ecosystem Restoration program, EID is committed to pursuing projects and programs that address bay-delta contaminants and water supply issues that originate in the upper watersheds. EID also supports efforts to resolve water issues in the Bay-Delta through Bulletin 160 Water Planning effort. EID is a member of the Mountain Counties Water Resource Association and a regional advisor to the 2009 California Water Planning Plan. In addition, EID is a founder and participant of the CABY planning effort that identified mercury as the most significant water quality issue

in the region. CABY is committed to addressing the contaminant that is most significant to the Bay-Delta ecosystem

WHEREAS, EID recognizes that the Bay-Delta is an important economic and environmental resource benefiting all of California and the nation, and that there is much at stake in how one implements the numerous ecosystem restoration and water management actions that are under consideration. In this context, EID remains committed to work toward a successful resolution to that area's complex environmental, water quality and water supply problems; and

WHEREAS, it is essential, as a predicate to EID support, participation or partnership in any Bay-Delta solutions, that the following be understood and agreed upon:

- Water use within El Dorado County does not cause the problems that have been identified in the Bay-Delta and which are being addressed by the consortium of entities working on the development of the Bay-Delta Conservation Plan (BDCP), discussed below.
- Because of its location upstream from the Bay-Delta, all water not consumptively used within EID returns for subsequent diversion by others or for Bay-Delta outflow. To the extent that use of water within EID has had any impact on the environment, that impact is related specifically and directly to upstream diversion and use and not to any adverse consequences in the Bay-Delta. Much of the impact has been beneficial. Water users within EID, however, have also provided for environmental mitigation, protection and enhancement activities that have been properly focused on issues such as fish screens, minimum instream flows, habitat preservation, watershed health and upstream-related habitat issues. Direct EID actions have led to improved fisheries in El Dorado County and downstream. EID's payment of Reclamation Reform Act mitigation fees also has funded actions to improve fisheries in and tributary to the Bay-Delta.

NOW, THEREFORE, EID HEREBY RESOLVES AND ADOPTS THIS POSITION STATEMENT as a framework in which those with a direct interest in the Bay-Delta can work with EID on the development and implementation of a Bay-Delta Habitat Conservation Plan (HCP) and/or Natural Community Conservation Planning Act Plan (NCCP) (presently proposed through the BDCP) to develop conveyance solutions and strategies for Bay-Delta habitat restoration.

I. BDCP/HCP/NCCP. State, federal and non-governmental organizations that make up the BDCP Steering Committee have been working and presumably will continue to work on an HCP and NCCP for the Bay-Delta. In this context, there has been discussion of isolated conveyance facilities, operations, conservation strategies and habitat enhancements that may impact the management of water supply in El Dorado County. In addition, the Steering Committee will be conducting a cost analysis and determining the funding necessary to implement the BDCP without representation from El Dorado County. The following articulates EID's position with respect to the development of the BDCP or any Bay-Delta HCP/NCCP:

1. EID recognizes the importance to California's future of restoring the environmental health of the Bay-Delta and providing high quality and reliable water supplies for all beneficial uses, and has been and remains willing to play a constructive role in implementing necessary solutions to Bay-Delta problems.

2. El Dorado County is unique and distinct from the Bay-Delta and must be recognized as such. EID has consistently maintained a distinction, both geographically and otherwise, between the Bay-Delta and El Dorado County. In scope and in application these two areas are distinct. EID will not support any program or party that does not recognize this key distinction and separation.

3. In any and all actions involving the El Dorado County, federal, state and applicant agencies must refrain from imposing on El Dorado County any burden for

mitigating impacts to the Bay-Delta that have been caused by the construction and operation of the Central Valley Project (CVP) and State Water Project (SWP).

4. Any Bay-Delta HCP/NCCP must adhere strictly to California's water rights priority system and must also adhere strictly to the commitments and policies articulated in state and federal law regarding the areas and watersheds of origin.

5. Actions associated with any Bay-Delta HCP/NCCP must be undertaken in a manner that insures that solutions implemented to resolve problems within the Bay-Delta will not redirect any negative impacts to El Dorado County and/or impose any taxes or fees to support the Bay-Delta.

6. Actions associated with any Bay-Delta HCP/NCCP must also ensure that water originating in Northern California is used efficiently, and not wasted as it passes through the Delta.

7. Acceptable assurances must be provided that El Dorado County water rights, supplies, and entitlements will not be sacrificed in favor of other Bay-Delta objectives. Federal and state agencies must work with, not against, El Dorado County interests in meeting mutual water supply needs and environmental objectives. The State Water Resources Control Board (SWRCB) and/or any other state or federal agency must not use its regulatory authority to reallocate watershed-of-origin water supplies to meet Delta water quality standards and other environmental objectives in the Bay-Delta system.

8. New water supplies, including those that would be made possible through the construction of a Sites Reservoir, must be identified to meet current and future water supply needs in El Dorado County as well as throughout the rest of the State of California. Simply relying on the reallocation of existing supplies and demand reduction as a means to address water supply shortages is not acceptable.

9. The full realization of a Bay-Delta HCP/NCCP can best be accomplished through a partnership that incorporates integrated regional water management. EID is party to an integrated water management program that has broad support from water suppliers and local governments throughout the foothills of the central Sierra Nevada. EID water users have committed to help improve water supply reliability, water quality and environmental benefits and to provide water supplies and improve water quality for the diverse purposes described above. Integrated regional plans contain conservation elements that highlight the significant improvements that have been made throughout the region for sensitive species. They also include water management strategies that will be pursued to enhance and improve water supplies and the ecosystem in this region. EID believes that it may be appropriate to coordinate this effort with the otherwise distinct Bay-Delta HCP/NCCP process.

II. Delta Conveyance. EID will consider supporting the implementation of means to assure reliable export water supplies, including the development of more viable means to convey water through the Delta in a way that provides water security, for water users within El Dorado County and users of export water supplies, and that improves the Bay-Delta ecosystem. EID support of conveyance proposals will be predicated upon the development of detailed assurances that include, but are not limited to, the following:

1. Water rights and water supplies of El Dorado County communities must not be adversely affected by the construction, operation or management of new water supply facilities. Area-of-origin protections shall be honored and should be strengthened through constitutional amendment.

2. The CVP and SWP must continue to meet Delta water quality standards and objectives. The form of assurance that will be needed to address this area is one that will indemnify and hold harmless water right holders from Mountain Counties Region any and all obligations to meet Delta water quality standards and objectives.

3. CVP and SWP Bay-Delta obligations, including flow and water quality standards and objectives, shall not be shifted to Mountain Counties Region water right holders through the application of SWRCB Term 91 or through other regulatory means.

4. The Delta conveyance facility(ies) must be sized in a manner that relates directly to the needs for water security in other areas without jeopardizing El Dorado County water supplies or rights.

5. Either individually or through a membership organization such as the Mountain Counties Water Resources Association, EID shall be directly involved in all operation and management decisions with respect to the Bay-Delta conveyance facility, including in the development of a management plan that assures EID that El Dorado County interests are fully protected.

6. Either individually or through a membership organization, EID must have significant representation on any new management entity or institution designed to manage or administer both new and existing conveyance and associated facilities and projects, including a peripheral canal or any BDCP-related projects and programs.

7. A mechanism is created to provide infrastructure for the use of water within El Dorado County to help meet current and future needs within areas of origin, including water for farms, rural communities, fisheries, habitat, and cities.

8. New water supplies, including those that would be made possible through the construction of a Sites Reservoir, must be identified to meet current and future water supply needs in El Dorado County as well as throughout the rest of the State of California. More specifically, delta conveyance planning should be coordinated with reservoir planning so the joint operations will be analyzed (including the potential benefits and impacts to El Dorado County) and available for review by El Dorado County interests.

9. The conveyance and associated facilities and projects must be designed, financed and operated in a manner that actually improves the Bay-Delta ecosystem and its dependent fish and wildlife species.

10. Any conveyance through or around the Delta must ensure that water originating in Northern California is used efficiently and not wasted in the conveyance process.

Mountain Counties Water Resources Association

On behalf of the members of Mountain Counties Water Resources Association the Board of Directors who represent twelve (12) counties and water agencies throughout the Sierra Nevada foothill hydrologic region respectfully adds it's support and concurrence to the Bay -Delta Position Statement, regarding the Proposed Bay-Delta Conservation Plan and Delta Conveyance Proposals as adopted on December 10, 2007

The Mountain Counties hydrologic region covers eleven of the counties on the east side of the Sacramento and San Joaquin Valleys, from Plumas County in the north to Mariposa County in the south and the numerous water agencies who are charged with maintaining and protecting current water supplies as well as being prepared to develop additional supplies as population continues to settle within these important and valuable contributors to the overall health and prosperity of the State of California.

These counties are the source of origin of a substantial portion of the water that has historically been appropriated by others for use outside the counties of origin. Over the decades available supplies direly needed within the County of Origin statutes have been dramatically reduced by "down-stream" interests" thereby hampering the ability to provide adequately for future growth should additional supplies not be available to meet present or future needs.

It is with the above comments in mind that the Board of Directors of Mountain Counties Water Resources Association and the many Executive and General members of the Association does hereby support the Bay-Delta Position Statement as approved by the El Dorado Irrigation District.

James P Chatigny, Executive Director